LABOUR RELATIONS BOARD

ANNUAL REPORT
2012-13

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■ *MESSAGE FROM THE CHAIRPERSON*

I am pleased to present the Newfoundland and Labrador Labour Relations Board's annual report for the 2012-13 fiscal year. The Board is accountable for the results reported.

The Newfoundland and Labrador Labour Relations Board is an independent, specialized, quasi-judicial body which plays a crucial role in contributing to and promoting harmonious labour relations in the Province. The Labour Relations Board's primary objectives include fair and efficient processing of applications, and rendering decisions which are clear, consistent and in accordance with sound legal principles. This year saw substantive changes to our enabling legislation and resulted in a significant increase in inquiries by the public and stakeholders, as well as changes to our Rules of Procedure. Our administrative staff responded to all inquiries quickly and thoroughly. On behalf of the Board I thank them for their professionalism, dedication and extra efforts throughout. We are fortunate to have a dedicated and professional staff to assist in achieving our objectives and administrating our legislation.

As of March 31, 2013, the Board consisted of a Chairperson, two Vice-Chairpersons, regular and alternate board members. Depending on appointment dates and expiry of appointments, these numbers have varied throughout the year. The Board members are in numbers equally representative of employers and employees The Board schedules monthly meetings and as needed. The Board has reviewed and considered applications for certification, applications for revocation, unfair labour practice complaints, successor rights applications and complaints with respect to the duty of fair representation, as well as other issues within its statutory jurisdiction such as labour standards reviews and occupational health and safety matters.

The Board decides matters based on the submissions of parties and the investigation reports of its Board Officers. Sometimes, in addition to the investigation and submissions, the Board determines that a hearing is necessary for the purpose of making a final determination. In such cases, hearings took place.

Further information about the Labour Relations Board can be found at www.gov.nl.ca/lrb/ This includes a searchable database of the Board's reasons for decisions as well as copies of its policy circulars, forms and publications.

I would like to thank our administrative staff, and board members for their hard work and continued professionalism throughout the year. As always, I am honoured to serve as Chair of the Board with this diligent group of people. I look forward to their continued participation in 2013-14.

My signature below is indicative of the entire Board's accountability for the actual results reported.

Sheilagh M. Murphy
Chairperson

■ *PUBLIC BODY OVERVIEW*

INTRODUCTION

The Labour Relations Board is an independent, representational, quasi-judicial tribunal responsible for the interpretation and application of certain provisions of the following labour relations statutes: *Labour Relations Act; Public Service Collective Bargaining Act; Fishing Industry Collective Bargaining Act; Teachers' Collective Bargaining Act; Interns and Residents Collective Bargaining Act; Labour Standards Act; Occupational Health and Safety Act; Smoke-Free Environment Act, 2005* and *House of Assembly Accountability, Integrity and Administration Act*.

The Board is established under the *Labour Relations Act*. The Board is composed of the Chairperson, Vice-Chairpersons, employer and employee representatives; all of whom are appointed by the Lieutenant-Governor in Council. The *Act* contains provisions outlining the labour relations rights and responsibilities of employers, trade unions and employees. The *Act* guarantees employees the right to seek collective bargaining with their employers and establishes a framework for employees to freely make this choice.

The legislation confers on the Board authority over many important aspects of labour relations. These include the certification of unions to represent employees, the revocation of certification upon application by interested parties where certified unions no longer have the support of a majority of bargaining unit members, as well as unfair labour practices, successor rights determinations, common employer applications, first collective agreement applications, duty of fair representation complaints, essential employee declarations, discriminatory action under the *Occupational Health and Safety Act* and appeals of labour standards determinations. The Board has exclusive authority to exercise the power conferred upon it in the *Act* in relation to determining questions of fact or law that came before it. It also has the power to reconsider any of its decisions and a privitive clause in the *Labour Relations Act* limits the scope of judicial review. The Board determines its own practices and procedures and makes rules prescribing the procedures to be followed in respect of its administrative functions.

MANDATE

The primary mandate of the Board is to resolve labour relations and employment disputes in accordance with its jurisdiction. In fulfilling its mandate, the Labour Relations Board offers the following lines of business to its primary clients:

Resolution of labour relations matters:

- processing, investigating and adjudicating applications made to the Board by unions, employers, organizations and individual employees, or referrals made pursuant to the legislation;
- mediating differences in an attempt to limit the extent and need for formal adjudication and to reinforce the ability of the parties to resolve their own disputes.

Education:

- educating the Province's labour relations community in the interpretation of the legislation, the Board's rules, policies and procedures.

VISION

The vision of the Labour Relations Board is one of fair and equitable application of the provisions of labour and employment legislation pursuant to which the Board has jurisdiction.

VALUES

In order for the Labour Relations Board to fairly and efficiently administer the legislation it oversees, it is imperative that stakeholders have a high level of trust and confidence in the independence of the Board, its staff and in the quality of its services. To this end, the Board promotes four key values: independence, professionalism, respect and objectivity. These values are reflected in the daily conduct of the Board and its administrative staff.

STAFF OF THE BOARD

The administrative staff of the Board comprises a Chief Executive Officer, Deputy Chief Executive Officer, three Labour Relations Board Officers and two support staff. The annual budget (excluding lease payments) of the Board is approximately $800,000.

The Board's offices are located on the 5th Floor of the Beothuck Building, Crosbie Place, St. John's, with hearings held throughout the Province. The Board's hearings room facilities are located on the 1st Floor of the Beothuck Building. The mailing address for the Labour Relations Board is P.O. Box 8700, St. John's, NL, A1B 4J6. Telephone (709)729-2707; Fax (709)729-5738.

STATISTICAL SNAPSHOT

During the year under review, 2012-13, there were a total of 48 new applications filed with the Board and 31 applications were carried forward from the previous year. There were 16 representation votes conducted in applications for certification and revocation of certification applications, with 304 individuals eligible to vote in the elections. The Board considered 63 applications during the period, which culminated in the issuance of 86 Orders of the Board. A total of 61 of those matters were finalized. The Board held 49 days of meetings and/or hearings. Three (3) matters proceeded to a hearing.

Biographical information on Board members is contained in Appendix I. For a listing of the Reasons for Decision issued by the Board in 2012-13, please see Appendix II. A listing of the applications which were the subject of judicial review can be found in Appendix III. Descriptions of bargaining units certified by the Board in 2012-13 are shown in Appendix IV. All Board decisions dating from 1975 have been made available to our clients via our website through an internet-based searchable database. The full text of Board decisions is also available on QuickLaw and CanLII. The Board's website is www.gov.nl.ca/lrb/

■ *HIGHLIGHTS/ACCOMPLISHMENTS*

During this reporting period, Ms. Sheilagh Murphy was appointed Chair of the Board on a full time basis, having served as Chair part-time for three years. Mr. Brian Gatien, joined Mr. John Sweetland, Q.C. as a Vice-Chair and Mr. Richard White, joined the board as an alternate employer representative. The Board also welcomed Ms. Jody Saunders as Deputy CEO.

In June 2012, there were legislative amendments to both the *Labour Relations Act* and the *Public Sector Collective Bargaining Act*. Necessitated by the 2012 revisions to the *Labour Relations Act*, the Board issued two new information bulletins providing detailed information on the steps followed by the Board in relation to an application for certification and information on the Board's use of and importance of the Union membership card. The Board also updated several other publications in 2012-13. Policy circulars were updated in relation to the scheduling of hearings and representation votes. Information bulletins were updated in relation to applications for certification; duty of fair representation; unfair labour practices; processing applications; complaints and references; and the role of the board officer.

The Board has also revised and published its Rules of Procedure in light of the 2012 legislative amendments.

As in the past, the administrative arm of the Board contributed to the fulfillment of the Board's commitments to the strategic directions of government by processing or commencing the processing of all applications received by it. The administration has conducted all mandatory votes as required by the legislation, presented all processed applications to the Board for consideration, and has communicated the results of the Board's decisions and Orders to all relevant parties. The Board's administration has continued to process its applications in a timely fashion and provide excellent service to its clients. The Board itself has continued to conduct hearings, meetings, and pre-hearing conferences and to produce orders and reasons for decision as appropriate.

REPORT ON PERFORMANCE

Mission (2017)

By March 31, 2017 the Labour Relations Board will have continued to administer and interpret the legislation with regard to applications brought before the Board.

The mission of the Labour Relations Board is to continue to administer and interpret the legislation with regard to applications brought before the Board. This Board has been in existence for over 60 years and has, like other Labour Boards in Canada, acquired expertise both in its administration and adjudication and considerable effort is expended by the Board and its staff in maintaining a high level of expertise which culminates in a high level of service to its primary clients.

Measure: Continued to administer and interpret the legislation

Indicators:

- Processed or commenced processing applications filed with the Board with a view to resolution by adjudication or mediation.
- After full consideration of matters by the Board at Board meetings, hearings are scheduled or decisions may be made and communicated to relevant parties.
- Reasons for decision, where issued, are communicated to relevant parties and made public through publication onto the Board's internet-based decision system.

The successful administration and interpretation of the legislation was achieved by processing applications using well-established Board practices. The administration of matters involved the use of the Board's computerized case management system, which was and is used to record and track all applications coming before the Board. The interpretation of the legislation involved the input of the Board at either its regular meetings or scheduled hearings or pre-hearing conferences which resulted in the generation of Board orders and/or the issuance of reasons for decision. Communication of Board decisions involved direct written correspondence to the affected parties and, in the case of the issuance of reasons for decision, involved the uploading of decisions to the Board's internet-based decision system.

OBJECTIVES

The objectives discussed below represent the Board's annual focus and include performance measurement information to assist both the Board and the public to monitor and evaluate success. The Board performs two functions – administrative and adjudicative. The Chief Executive Officer and staff fulfill the administrative function which generally entails processing applications; the Chair, Vice-Chairs and members of the Board fulfill the adjudicative function.

The Board contributed to the strategic direction of creating a stable employment relations climate conducive to economic growth through the resolution of labour relations matters and communicating the results of decisions of the Board to parties appearing before the Board and the public and by increasing public awareness and improving understanding of the Board's role in labour relations matters.

ISSUE: PROCESSING APPLICATIONS

Objective 1: By March 31, 2013, the Labour Relations Board will have commenced processing or have processed all applications filed with the Board (processed means completed steps necessary to bring applications before the Board at regular board meetings).

Measure: All applications commenced or processed

INDICATORS	ACCOMPLISHMENTS
Number of applications received	48
Number of applications in process	4
Number of applications completed	44

In addition to those applications processed which were received by the Board during the reporting period, the Board also processed and completed 17 other applications during 2012-13 which were carried forward from previous years.

The Board met its objective of commencing or completing processing of all applications filed with it during the fiscal year. The Board will report on the above objective and indicators again in 2014.

ISSUE: CONSIDERING APPLICATIONS

Objective 2: By March 31, 2013, the Labour Relations Board will have considered all processed applications which are put before the Board at its meetings, but will not have necessarily made a final determination with respect to these applications (decisions of the Board are evidenced in the form of orders).

Measure: All processed applications are considered

INDICATORS	ACCOMPLISHMENTS
Number of orders made by the Board at its meetings	86
Number of applications referred to the hearing process	6
Number of hearings scheduled	5
Number of applications considered and deferred	63 considered/0 deferred

All processed applications were considered by the Board. The Board considered and finalized 61 matters in the reporting period. Forty-four (44) of these were received in 2012-13 and 17 were carried forward from the previous year. The Board considered an additional 2 applications which were not finalized at the end of 2012-13 as they were referred to a hearing; these matters were received in 2012-13.

In some matters, more than one order was made. Forty-seven (47) orders were issued by the Board at its regular meetings and the Board issued 33 orders in relation to applications referred to panels of the Board for consideration or applications dealt with by the Chair or Vice-Chair alone. The Board also issued 6 orders in relation to applications which were referred to hearings.

While 6 matters were referred to the hearing process and only 5 were scheduled during the reporting period, the Board actually conducted hearings into 3 matters over 11 days. One (1) matter was a continuation of a hearing that commenced in the previous reporting year; the other 2 matters were referred to a hearing in the reporting year.

ISSUE: COMMUNICATION

Objective 3: By March 31, 2013, the Labour Relations Board will have communicated the results of decisions and orders to relevant parties.

Measure: Communication

INDICATORS	ACCOMPLISHMENTS
Number of orders issued and number communicated to parties	86
Number of reasons for decision issued and number communicated to parties	16
Number of reasons for decision uploaded to the Board's internet-based decision system	16

There were a total of 86 orders issued by the Board in 2012-13 and all were communicated to the parties. Reasons for decision are issued by the Board only when either requested by one of the parties to the application or where a hearing has been conducted into an application. A total of 16 reasons for decision were issued by the Board in relation to 20 matters and were communicated to the affected parties. Six (6) decisions were issued in matters where hearings were conducted and 10 were issued as a result of requests from one of the affected parties.

The communication and circulation of decisions and publications through the Board's searchable decision system and website ensures that the public and the parties appearing before the Board have ready access to the Board's policies and decisions.

ISSUE: CIRCULATING PUBLICATIONS

Objective 4: By March 31, 2013, the Labour Relations Board circulated publications, as necessary, related to board processes and procedures.

Measure: Circulated publications

INDICATORS	ACCOMPLISHMENTS
As necessary, a number of information bulletins, forms and policy circulars distributed and placed on Board's website	Two (2) policy circulars and five (5) information bulletins were updated. Two (2) new information bulletins were distributed and placed on Board's website
Annual Report filed and placed on the Board's website	2011-12 Annual Report placed on the Board's website

The Board fulfilled its mandate through the resolution of labour relations matters and by educating the labour relations community and workers generally about the legislation, rules, policies and procedures of the Board.

The Board continued its efforts to educate its clients and the public on its various processes through the preparation and issuance of information bulletins. These bulletins describe the numerous types of applications which the Board is responsible for dealing with and explain the Board's procedures for handling such applications and complaints, reflecting the current procedures and policies of the Board.

The Board issued 2 new Information Bulletins and updated several other publications in 2012-13. The new information bulletins give detailed information in relation to either the application for certification process (the steps) or membership evidence. The policy circulars updated were in relation to the scheduling of hearings and representation votes. The updated information bulletins were in relation to applications for certification; duty of fair representation; unfair labour practices; processing applications, complaints and references; and the role of the board officer. These documents are available on the Board's website. The Board intends to publish additional information bulletins in 2013-14.

TOTAL NEW APPLICATIONS FILED IN 2012-13

	2012-13
***Labour Relations Act*:**	
Applications for Certification	21
Applications for Revocation of Certification	6
Termination of Bargaining Rights	0
Unfair Labour Practices	2
Duty of Fair Representation	8
Successorship/Transfer of Business	1
Common Employer	0
Reconsideration of Decision	2
Amendment of Bargaining Unit	1
First Collective Agreement	0
Questions under Section 18 of the Act	1
Review of Labour Standards Determination	5
Submission by Director of Labour Standards	0
Access to Remote Site	0
Successor Bargaining Agent	0
Jurisdictional Dispute (Umpire)	0
Alter Terms and Conditions of Employment	0
Question Referred by Arbitrator	0
Unfair Denial of Union Membership	0
Public Service Collective Bargaining Act	
Duty of Fair Representation	1
Fishing Industry Collective Bargaining Act	0
Occupational Health and Safety Act	0
Teachers' Collective Bargaining Act	0
TOTAL APPLICATIONS	48

■ *OPPORTUNITIES AND CHALLENGES*

The Board will continue to process its applications in a timely fashion, always striving to provide excellent service to its clients. The increasing complexity and novelty of matters coming before the Board continues to keep its work both interesting and challenging.

The most efficient and successful method of dealing with these challenges has been the pre-hearing conference and the parties' co-operation with Board officer investigations. In an effort to ensure hearings proceed as scheduled and as soon as possible, the Board has maintained its practice of scheduling pre-hearing conferences as soon as a matter has been placed before the Board. As a result, the Board is experiencing shorter, more focused hearings in a more timely fashion.

Substantive changes to the *Labour Relations Act* and the *Public Service Collective Bargaining Act* this year resulted in an unprecedented number of inquiries from stakeholders requesting statistical analysis of the Board's closed file information that had not previously been captured or analyzed.

The Board continues to develop its staff and to develop its operational tools in order to assist the staff in carrying out the Board's administrative functions.

■ *FINANCIAL STATEMENT*

The following information is for the fiscal year: April 1, 2012 to March 31, 2013.

Statement of Expenditure and Related Revenue
Unaudited
For the Year Ended March 31, 2013

		Estimates	
	Actual	**Amended**	**Original**
	$	$	$
7.1.05. LABOUR RELATIONS BOARD			
01. Salaries	640,746	640,800	577,100
02. Employee Benefits	3,714	3,800	900
03. Transportation and Communications	11,899	18,000	22,200
04. Supplies	6,722	8,000	4,700
05. Professional Services	100,761	160,400	162,400
06. Purchased Services	11,451	15,500	15,500
07. Property, Furnishings & Equipment	0	1,800	1,800
Total: Labour Relations Board	**775,293**	**848,300**	**784,600**

Source: Expenditure and revenue figures are unaudited and based on public information from the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the year ended March 31, 2013. Audited financial statements are a requirement at the government level and are made public through the Public Accounts process, however, the Labour Relations Board is not required to provide a separate audited financial statement.

■ *APPENDIX I - MEMBERS OF THE BOARD*

During the year under review, the Board consisted of the following members:

SHEILAGH M. MURPHY, *Chairperson*

Sheilagh Murphy graduated from the University of New Brunswick with a Bachelor of Laws, and from Memorial University of Newfoundland with a Bachelor of Science and Bachelor of Arts. She is a member of the Law Society of Newfoundland and Labrador and a former President of the Canadian Bar Association, Newfoundland and Labrador branch. She has presented at Memorial University of Newfoundland, the Law Society of Newfoundland's Bar Admission Course and published in the *Annual Review of Civil Litigation*. She volunteers with a number of community and professional organizations.

Ms. Murphy was appointed as Vice-Chairperson of the Labour Relations Board in July 2007 for a five-year term. On May 3, 2009, Ms. Murphy was appointed Chairperson of the Board on an interim basis and on July 2, 2012, Ms. Murphy was appointed to the full-time position of Chairperson for the Board for a five-year term.

JOHN C. SWEETLAND, Q.C., *Vice-Chairperson*

John Sweetland obtained his Bachelor of Science degree from St. Francis Xavier University and a Bachelor of Law degree from the University of New Brunswick. He has been a member of the Law Society of Newfoundland and Labrador since April 1973. Mr. Sweetland has been practising law in Corner Brook in a variety of areas of law, including corporate/commercial, real estate, criminal, family, contract law, workplace health safety and compensation/Canada pension disputes, labour law and administrative law. He is a qualified mediator and has served on several arbitration boards. He has also taught at Grenfell Campus of Memorial University of Newfoundland and Labrador for the past 12 years.

Mr. Sweetland was appointed to the position of Vice-Chairperson of the Labour Relations Board in May 2004 for a five-year term. He was reappointed in June 2012 for a five-year term.

BRIAN R. GATIEN, *Vice-Chairperson*

Brian R. Gatien obtained his Bachelor of Commerce (hons.) in 1974 from Laurentian University, his Master of Business Administration from the Schulich School of Business at York University in 1975, and his law degree from Osgoode Hall Law School in 1978.

He was called to the Ontario Bar in 1980 and the Newfoundland and Labrador Bar in 2009.

From 1980 to 1985 Mr. Gatien was Director of Negotiations with Ontario Hospital Association and since 1985 has practiced solely in the field of labour relations law. He has an established labour and employment mediation and arbitration practice in Newfoundland and Labrador and has been retained as an independent investigator in workplace harassment and human rights disputes.

GERALYN HANSFORD, *Employer Representative (Regular)*

Geralyn Hansford retired from Bell Aliant in 2010, where she held the position of Director – Customer Care, Atlantic Canada. She has 33 years of Labour Relations experience.

Ms. Hansford was first appointed to the Board as a regular employer representative in March 2005 for a two year term and again in 2007 and 2009. She was reappointed in June 2011 for a one-year term.

AUBREY DROVER, *Employer Representative (Regular)*

Aubrey Drover is the owner of AMD Holdings Ltd., a general contracting firm located in St. John's, Newfoundland. Mr. Drover has an extensive background in construction management, spanning some 42 years. He is past Chairman of the Newfoundland and Labrador Construction Association, past Provincial Vice-Chairman of the Canadian Construction Association and is past Chairperson of the Newfoundland and Labrador Construction Safety Association.

Mr. Drover was appointed to the Labour Relations Board as an alternate employer representative in February 2004 and was reappointed as a regular employer representative in January 2006 for a two-year term. He was reappointed in June 2011 for an additional two-year term.

WILLIAM A. PARSONS, *Employee Representative (Regular)*

William Parsons has over 30 years' experience in the labour movement, serving as Vice-President of the Canadian Communications Workers' Union, Organizing Director of Fish, Food and Allied Workers Union and International Representative of the United Steelworkers of America. He is a Past President of the Newfoundland and Labrador Federation of Labour and a Past Vice-President of the Canadian Labour Congress, as well as a Board Member of the Advisory Council on the Economy and member of the Labour Relations Working Group Initiative. Mr. Parsons retired as Executive Director of the Newfoundland and Labrador Building and Construction Trades Council in December, 2004. He was appointed to the Labour Relations Board in 1994 as an alternate employee representative, and was appointed as a regular employee representative in December 1995. He has been regularly reappointed as a regular employee representative since 1995. He was reappointed in June 2011 for a one-year term.

GRANT BARNES, *Employee Representative (Regular)*

Grant Barnes has over 25 years' experience in the labour movement. He was Chief Negotiator for the St. John's Fire Fighters Association, Local 1075 for 10 years. He has served on various other labour related committees including Grievance, Arbitration Board, Political Action Committee, Human Rights, Labour Management, and Legislative Lobbying. He served as the Newfoundland Vice-President of the Atlantic Provinces Professional Fire Fighters Association for 10 years and is an honorary member of that Association. He held the position of Newfoundland Representative for the International Association of Fire Fighters for 6 years. He is President Emeritus of the St. John's Fire Fighters Association Local, 1075. In 2004 he was appointed to the Board of Directors at Workplace, Health, Safety and Compensation Commission and has held various committee positions on that board. He retired from the St. John's Regional Fire Department as Fire Captain in 2001.

Mr. Barnes has been very active in his community in many volunteer positions, including the CBS Lions Club for 20 years in which he held the position of President.

Mr. Barnes was appointed to the Labour Relations Board in January 2012 for a two year term.

RICHARD WHITE, *Employer Representative (Alternate)*

Richard White currently works as an Accountant with Blagdon, Tilley and Company, Certified General Accountants which operates a public accounting firm in Conception Bay South. Mr. White is also the owner of Rand Enterprises Limited which operates an accounting, contracting and lounge business in Conception Bay South. He has been active in community volunteer programs such as Conception Bay South Senior and Minor Hockey Association and Conception Bay South Minor Sports programs in both executive and coaching positions.

Mr. White was appointed to the Labour Relations Board as an alternate employer representative in September, 2012 for a two-year appointment.

DENIS A. GALWAY, *Employer Representative (Alternate)*

Denis Galway is President of Terra Nova Trusses (1994) Ltd. located in Mount Pearl, Newfoundland. Mr. Galway started his career in the Agriculture Industry in 1974 and has been self-employed since that time. Mr. Galway is a Past Chair of the Newfoundland Hog Marketing Board, the Atlantic Wood Truss Fabricators Association, the Federal Farm Credit Loan Review Board, and the Canadian Home Builders Association of Eastern Newfoundland. He served, as well, as the Vice-Chair of the Newfoundland and Labrador Construction Safety Association.

Mr. Galway was appointed to the Labour Relations Board as an alternate employer representative in May, 2010 for a two-year term. His tenure expired in May 2012.

THOMAS BURKE, Q.C., *Employee Representative (Alternate)*

Thomas J. Burke, Q.C. graduated from Mercy Convent at Brigus, from Ottawa University and from the Law School at Dalhousie University, Halifax. He has been a member of the Law Society of Newfoundland and Labrador since 1976 and has practised law in St. John's. He has volunteered over the years with a number of community boards/organizations.

Mr. Burke was appointed to the Labour Relations Board as an alternate employee representative in May 2010 for a two-year term and his tenure expired in May 2012.

FRANK PITTMAN, Employee Representative (Alternate)

Frank Pittman was appointed to the Labour Relations Board as an alternate employee representative in September 2012 and resigned his position shortly thereafter.

■ *APPENDIX II - REASONS FOR DECISION*

The following is a list of Reasons for Decision issued by the Board in the 2012-13 fiscal year showing the file name, date issued, file number, the Chair or Vice-Chair writing the Reasons for Decision on behalf of the Board or panel of the Board and the person writing a Dissent, if any.

1. Sharon Reid, Director or Admiral's Villa Inc. and Lillian Wall dated July 13, 2012. [2012]L.R.B.D. No. 6 (LRB file 5396) (Chair Murphy)

2. Terry J. Benoit and Communications, Energy and Paperworkers Union of Canada, Local 2121 and M-I SWACO and Hibernia Platform Employers' Organization dated July 17, 2012. [2012]L.R.B.D. No. 7 (LRB file 5353) (Chair Murphy)

3. James Beresford and International Union of Operating Engineers, Local 904 and Pennecon McNally Joint Venture dated August 2, 2012. [2012]L.R.B.D. No. 8 (LRB file 5367) (Vice-Chair Sweetland)

4. Construction General Labourers Rock and Tunnel Workers, Local 1208 and W.R.H. Construction Inc., carrying on business under the name and style of Hydro-Guard Roofing Systems (Hydro-Guard) dated August 27, 2012. [2012]L.R.B.D. No. 9 (LRB file 5295, 5299, 5300, 5316 & 5345) (Chair Murphy)

5. Judy Oliver and Newfoundland and Labrador Association of Public and Private Employees and Eastern Regional Integrated Health Authority dated August 23, 2012. [2012]L.R.B.D. No. 10 (LRB file 5354) (Chair Murphy)

6. James Smith and Construction General Labourers, Rock and Tunnel Workers, Local 1208 and North Shore Roofing Ltd. dated September 28, 2012. [2012]L.R.B.D. No. 11(LRB file 5389) (Chair Murphy)

7. Jacobs Industrial Services Ltd. and United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 740 and International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local 203 and International Brotherhood of Electrical Workers, Local 2330 and United Brotherhood of Carpenters and Joiners of America, Local 579 and International Union of Operating Engineers, Local 904 and International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union 764 and Labourers International Union, Local 1208, Construction Rock and Tunnel Workers Union and Transport and Allied Workers Local Union 855 and International Union of Painters and Allied Trades, Local 1984 and International Association of Heat and Frost Insulators and

Allied Workers, Local 137 and International Union of Bricklayers and Allied Craftworkers, Local 1 and United Brotherhood of Carpenters and Joiners of America, Millwrights, Local 1009 dated October 19, 2012. [2012]L.R.B.D. No. 12 (LRB file 5374) (Chair Murphy)

8. Newfoundland and Labrador Association of Public and Private Employees and J. Deering Home Care Inc. dated October 25, 2012. [2012]L.R.B.D. No. 13 (LRB file 5404) (Chair Murphy)

9. Irene Nippard and Fish, Food and Allied Workers Union (FFAW/CAW) and Fogo Island Co-Operative Society Limited dated October 29, 2012. [2012]L.R.B.D. No. 14 (LRB file 5369) (Vice-Chair Sweetland) (Dissent: Member Parsons)

10. Frank Browne and United Brotherhood of Carpenters and Joiners of America, Local 579 and H. J. O'Connell Construction Limited dated December 20, 2012. [2012]L.R.B.D. No. 15 (LRB file 5402) (Members Parsons and Hansford) (Dissent: Vice-Chair Sweetland)

11. Communications, Energy and Paperworkers Union of Canada, Local 60N and Sexton Lumber Co. Ltd. and Stuckless and Stuckless Ltd. dated December 28, 2012. [2012]L.R.B.D. No. 16 (LRB file 5258) (Chair Murphy)

12. Joan Cadigan and Newfoundland and Labrador Association of Public and Private Employees and Eastern Health dated January 7, 2013. [2013]L.R.B.D. No. 1 (LRB file 5387) (Chair Murphy)

13. United Brotherhood of Carpenters and Joiners of America, Local 579 and 3D Structures Ltd. dated January 16, 2013. [2013]L.R.B.D. No. 2 (LRB file 5405) (Chair Murphy)

14. Amalgamated Transit Union, Local 1462 and St. John's Transportation Commission dated February 7, 2013. [2013]L.R.B.D. No. 3 (LRB file 5380) (Chair Murphy)

15. Brenda Lynch and International Union of Bricklayers and Allied Craftworkers, Local #1 and Pennecon McNally Joint Venture dated February 15, 2013. [2013]L.R.B.D. No. 4 (LRB file 5409) (Chair Murphy)

16. Fish, Food and Allied Workers (FFAW/CAW) and Ocean Choice International LP dated February 20, 2013. [2013]L.R.B.D. No. 5 (LRB file 5422) (Vice-Chair Sweetland)

■ *APPENDIX III - JUDICIAL REVIEW*

♦ ACTIVITY ON 2012-13 MATTERS AND PRIOR

The following are court cases decided in 2012-13 which reviewed decisions or proceedings of the Board.

1. Communication, Energy, and Paper Workers Union of Canada, Local 63 v. Nalcor Energy and International Brotherhood of Electrical Workers, Local 512 and Communication, Energy, and Paper Workers Union of Canada, Local 59N and Gordon Corbin (2011 01G3112) (LRB file 5303) (Decision upheld)

♦ CASES OUTSTANDING

The following applications were before the Court at the end of 2012-13:

2. United Brotherhood of Carpenters and Joiners of America, Local 579 v. John Lush and Humber Valley Construction Limited (2008 T No. 3120) (LRB file 5005)

3. Brook Enterprises Inc. v. Construction General Labourers International Union, Local 1208 (2009 04T 0382) (LRB file 4645)

APPENDIX IV - BARGAINING UNITS

CERTIFICATION ORDERS ISSUED IN 2012-13

Labour Relations Act

1. Newfoundland and Labrador Association of Public and Private Employees and Yvonne Way, operating as Exploits Homecare Agency.

   Bargaining Unit

   A unit of employees of Yvonne Way, operating as Exploits Homecare Agency comprising all employees, save and except Owner, Administrator, Office Staff, Registered Nurses, Non-working Supervisors and those above the rank of Non-working Supervisor.

2. Lecturer's Union of Memorial University of Newfoundland and Memorial University of Newfoundland.

   Bargaining Unit

   A unit of employees of Memorial University of Newfoundland comprising all Postdoctoral Fellows employed by Memorial University of Newfoundland save and except persons who secure their own transferable funding from external grant-funding agencies and for whom this is the sole source of funding; and, persons for whom any other trade union holds bargaining rights under the *Labour Relations Act.*

3. Transport and Allied Workers Local Union 855, affiliated with the International Brotherhood of Teamsters and 61050 Newfoundland & Labrador Inc., trading as Hickman Chrysler Dodge Jeep (Hickman Chrysler).

   Bargaining Unit

   A unit of employees of 61050 Newfoundland & Labrador Inc., trading as Hickman Chrysler Dodge Jeep (Hickman Chrysler) comprising all employees working as Automotive Technicians, Technician Apprentices, and Grease Ramp Attendants at its Peet Street, St. John's location save and except Lot Personnel, Parts Personnel, Sales Personnel, Service Advisors, Office Staff, Managers, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

4. International Union of Painters and Allied Trades, Local 1984 and Blackhawk Industrial Services Inc.

Bargaining Unit

A unit of employees of Blackhawk Industrial Services Inc. comprising all Painters and Painter Apprentices working for the Employer in the Province of Newfoundland and Labrador save and except those employed at the Employer's shop premises.

5. International Association of Machinists and Aerospace Workers, Local 544 and WindJammer Investments Inc., trading as Fairway Honda.

Bargaining Unit

A unit of employees of WindJammer Investments Inc., trading as Fairway Honda comprising all employees employed as Automotive Technicians, Technician Apprentices and Lot Attendants, save and except Office Staff, Salespersons, Managers, Appointment Coordinators, Service Advisors, non-working foremen and those above the rank of non-working foreman.

6. Newfoundland and Labrador Association of Public and Private Employees and J. Deering Home Care Inc.

Bargaining Unit

A unit of employees of J. Deering Home Care Inc. comprising all employees save and except Owner, Administrator, Office Staff, Registered Nurses, Non-working Supervisors and those above the rank of Non-working Supervisors.

7. United Brotherhood of Carpenters and Joiners of America, Local 579 and Tetford Contracting Limited.

Bargaining Unit

A unit of employees of Tetford Contracting Limited comprising all working carpenter foremen, carpenters, carpenter apprentices, scaffolders and scaffolder apprentices working for the Employer in the Province of Newfoundland and Labrador.

8. Newfoundland and Labrador Association of Quality Personnel and Spectrol Energy Services Inc.

Bargaining Unit

A unit of employees of Spectrol Energy Services Inc., comprising all employees of Spectrol Energy Services Inc. employed or based at 20 Maverick Place, Paradise, in the Province of Newfoundland and Labrador save and except managers, office staff, supervisors and those above the rank of supervisor.

9. Canadian Union of Public Employees, Local 5120 and MVT Canadian Bus Inc., carrying on business under the name and style of St. John's GOBUS

Bargaining Unit

A unit of employees of MVT Canadian Bus Inc., carrying on business under the name and style of St. John's GOBUS comprising all employees, save and except dispatchers, office staff and supervisory staff.

10. Newfoundland and Labrador Association of Public and Private Employees and The Best of Care Ltd.

Bargaining Unit

A unit of employees of The Best of Care Ltd. comprising all employees save and except Owner/Operator, Office Administration, Registered Nurses, Non-Working Supervisors and those above the rank of Non-Working Supervisors.

11. Newfoundland and Labrador Association of Public and Private Employees and Caring Hands Inc.

Bargaining Unit

A unit of employees of Caring Hands Inc. comprising all employees save and except Owner/Operator, Office Administration, Registered Nurses, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

12. Newfoundland and Labrador Association of Public and Private Employees and South Coast Home Care Inc.

Bargaining Unit

A unit of employees of South Coast Home Care Inc. comprising all employees save and except Owner, Administrator, Office Staff, Registered Nurses, Non-Working Supervisors and those above the rank of Non-Working Supervisor.

13. International Union of Operating Engineers, Local 904 and Moore's Funeral Home and Ambulance Service Limited.

Bargaining Unit

A unit of employees of Moore's Funeral Home and Ambulance Service Limited comprising all employees employed as EMR and PCP, save and except managers, non-working supervisors and those above the rank of non-working supervisor.

14. Transport and Allied Workers Local Union 855, Affiliated with the International Brotherhood of Teamsters and Cummins Eastern Canada LP.

Bargaining Unit

A unit of employees of Cummins Eastern Canada LP comprising all employees working as customer support staff at its Clyde Avenue, Mount Pearl location save and except parts personnel, sales personnel, automotive technicians, managers, non-working supervisors and those above the rank of non-working supervisors.